

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - SW/Corner Dogwood Road & Belmont Avenue (6817 Dogwood Road) 1st Election District 1st Councilmanic District Martins, Inc. Petitioners

* BEFORE THE * DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 91-253-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the site plan previously approved in Zoning Case No. 87-339-A, and a variance to permit a single-faced business sign of 160 sq.ft. in lieu of the permitted 100 sq.ft., and to determine that the changeable message portion of the sign is non-flashing, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Martin and Wayne Resnick, appeared, testified and were represented by Julius W. Lichter, Esquire. Also appearing on behalf of the Petitions were Joseph Larson, with Spellman, Larson & Associates, Inc., and Wes Guckert, with The Traffic Group. There were no Protestants.

Testimony indicated that the subject property, known as 6817 Dogwood Road, consists of 7.95 acres more or less zoned B.M. and D.R. 3.5 and is the site of a catering facility and commercial shops which were developed by Petitioners in 1969. Said property was the subject of previous Case No. 87-338-A in which the Petitioners were granted a variance by the Zoning Commissioner for a freestanding business sign containing 1,344 sq.ft. However, on appeal by the People's Counsel, the Board of Appeals granted a variance for a sign of 137.6 sq.ft. per side. This decision was appealed to the Circuit Court for Baltimore County and the Board's decision

was upheld by the Court of Special Appeals. The full zoning history of the subject property is listed in detail on Petitioner's Exhibit 1. Testimony indicated that as a result of advancements in technology, Petitioners have filed the instant request for a 160 sq.ft. single-faced identification sign. Mr. Resnick testified the proposed sign will be mounted on columns similar to those on the building. Testimony indicated the sign portion will be 16' wide by 10' high, of which 7'11" at the top of the sign will be used to identify the property as follows: "Martins West Exit 17". The remaining 7'11" will be used to identify the uses of said building which would be changed from time to time. In response to the comments submitted by the Office of Planning, Petitioners have agreed that the information listed would not be changed more than one time in any given 24-hour period. Further, testimony indicated the sign will be non-flashing. Mr. Resnick testified that the purpose of the sign is to identify the various functions held at the site and to assist visitors in identifying the location of the building and safely exiting to the site. Mr. Resnick testified that the use of the catering facilities is State-wide and not limited to residents living in the vicinity. He argued the sign helps in safely identifying the building and the exit.

The proffered testimony for Mr. Guckert indicated that the proposed sign is for directional and informational purposes and will not create any detriment to the health, safety or general welfare of the surrounding community. In fact, it is the opinion of Mr. Guckert as well as Mr. Resnick that the proposed sign will help to provide adequate notice to the site and a safe exit off I-695.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of February, 1991 that the Petition for Special Hearing to approve an amendment to the site plan previously approved in Zoning Case No. 87-338-A, and the Petition for Zoning Variance to permit a single-faced business sign of 160 sq.ft. in lieu of the permitted 100 sq.ft., and to determine that the changeable message portion of the subject sign is non-flashing, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 3 -

1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The relief granted herein is limited to a single-faced identification sign of 160 sq.ft. as depicted on Petitioner's Exhibit 1.

3) The changeable message portion of the subject sign shall not be changed more than once in any 24-hour period.

4) The lettering contained in the 7'11" area of the subject sign shall be no less than 13" in height and shall not contain any outdoor advertising material as defined by the B.C.Z.R.

5) Prior to the issuance of any permits, Petitioners shall submit a landscaping plan for the property which has been approved by the Deputy Director of Planning subsequent to the date of this Order.

6) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

ORDER RECEIVED FOR FILING

Date 1/28/91 By [Signature]

ORDER RECEIVED FOR FILING

Date 1/28/91 By [Signature]

ORDER RECEIVED FOR FILING

Date 1/28/91 By [Signature]

ORDER RECEIVED FOR FILING

Date 1/28/91 By [Signature]

- 4 -

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to the site plan in Zoning Case 87-338-A and variance to Section 413.2 to permit a single-faced business sign of 160 sq. ft. in lieu of the permitted 100 sq. ft. Also to determine that the changeable message portion of the sign is non-flashing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Martin's Inc.

(Type or Print Name)

By: [Signature]

MARTIN RESNIK

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Julius W. Lichter, Esquire

(Type or Print Name)

[Signature]

Levin & Gann, P.A.

305 W. Chesapeake Ave., Suite 113

Address

Towson, Maryland 21204

City and State

Attorney's Telephone No.: (301) 321-0600

7000 Security Blvd., Suite 316

Address

Baltimore, Maryland 21207

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Julius W. Lichter, Esquire

Name

Levin & Gann, P.A.

305 W. Chesapeake Ave., Suite 113

Address

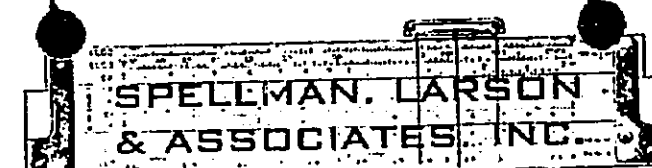
Towson, Maryland 21204 (301) 321-0600

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12th day of Feb. 1991, at 12:30 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

Date 1/28/91 By [Signature]



ROBERT E. SPELLMAN, P.L.C.
JOSEPH L. LARSON
LOUIS A. PHILLIPS, P.C.
ALBERT R. RYAN

SUITE 107 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
823-3935

91-253-SPHA

DESCRIPTION FOR A VARIANCE TO ZONING, MARTIN'S WEST BELMONT AVENUE & DOGWOOD ROAD, FIRST DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at the beginning of the cutoff connecting the South side of Dogwood Road, of irregular width, and the West side of Belmont Avenue, 60 feet wide, and running thence and binding on said cutoff South 45 Degrees 16 Minutes 35 Seconds East 44.19 feet to the West side of Belmont Avenue and running thence and binding thereon South 0 Degrees 07 Minutes 15 Seconds West 658.81 feet thence leaving the West side of Belmont Avenue and running South 65 Degrees 53 Minutes 15 Seconds West 141.09 feet North 18 Degrees 07 Minutes 10 Seconds West 219.44 feet South 68 Degrees 58 Minutes 35 Seconds West 256.61 feet North 18 Degrees 32 Minutes 40 Seconds West 453.59 feet North 86 Degrees 01 Minutes 20 Seconds East 22.51 feet and North 3 Degrees 58 Minutes 40 Seconds West 284.08 feet to the South side of Dogwood Road herein referred to and running thence and binding thereon South 84 Degrees 25 Minutes 20 Seconds East 546.15 feet and South 6 Degrees 46 Minutes 30 Seconds West 0.81 feet to the place of beginning.

Containing 7.95 acres of land, more or less.

11/12/86



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

191

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: January 21, 1991
Posted for: Special Hearing and Variance
Petitioner: Martin's Inc.
Location of property: SW/Chesapeake Road and Belmont Avenue
6817 Dogwood Road
Location of Sign: SW/Corner of Dogwood and Belmont Avenue
Remarks:
Posted by: [Signature] Date of return: January 25, 1991
Number of Signs: 2

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: January 21, 1991
Posted for: Special Hearing and Variance
Petitioner: Martin's Inc.
Location of property: SW/Chesapeake Road and Belmont Avenue
6817 Dogwood Road
Location of Sign: SW/Corner of Dogwood and Belmont Avenue
Remarks:
Posted by: [Signature] Date of return: January 25, 1991
Number of Signs: 2

reported
2/6/91

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 28, 1991

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
SW/Corner Dogwood Road and Belmont Avenue
(6817 Dogwood Road)
1st Election District - 1st Councilmanic District
Martins, Inc. - Petitioners
Case No. 91-253-SPHA

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 at 10:30 a.m.
Case number: 91-253-SPHA
SNC Dogwood Road and Belmont Avenue
8817 Dogwood Road
1st Election District
1st Councilmanic District
Petitioner(s): Martin's Inc.
Hearing Date: Tuesday, Feb. 12, 1991 at 10:30 a.m.
Special Hearing: To approve an amendment to the site plan in Zoning Case #87-331-A. Variance to permit a single-face business sign of 160 sq. ft. in lieu of the permitted 100 sq. ft. and to determine that the changeable message portion of the sign is non-flashing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
CATJ1/202 Jan. 17

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1-18, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1-17, 1991

THE JEFFERSONIAN,

S. Zeke Olson
Publisher

\$61.71

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 3802

receipt

Date: 10/31/90 H910071 pd

	QTY	PRICE
PUBLIC HEARING FEES		
OBO -ZONING VARIANCE (OTHER)	1 X	\$175.00
OAO -SPECIAL HEARING (OTHER)	1 X	\$175.00
TOTAL:		\$350.00

LAST NAME OF OWNER: RESNICK

04A04#0029MCHRC \$350.00
8A C00335PW11-01-90

Please make checks payable to: Baltimore County EXT BUSINESS DAY

Cashier Validation:

111 West Chesapeake Avenue
Towson, MD. 21204

887-3353

DATE: 1/28/91

Martin's Inc.
7000 Security Boulevard, Suite 316
Baltimore, Maryland 21207

RE:
Case Number: 91-253-SPHA
SNC Dogwood Road and Belmont Avenue
8817 Dogwood Road
1st Election District - 1st Councilmanic
Petitioner(s): Martin's Inc.
HEARING: TUESDAY, FEBRUARY 12, 1991 at 10:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 111.71 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Julius W. Lichter, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD. 21204
January 8, 1991

887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-253-SPHA
SNC Dogwood Road and Belmont Avenue
8817 Dogwood Road
1st Election District - 1st Councilmanic
Petitioner(s): Martin's Inc.
HEARING: TUESDAY, FEBRUARY 12, 1991 at 10:30 a.m.

Special Hearing to approve an amendment to the site plan in Zoning Case #87-331-A. Variance to permit a single-face business sign of 160 sq. ft. in lieu of the permitted 100 sq. ft. and to determine that the changeable message portion of the sign is non-flashing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Martin's Inc.
Julius W. Lichter, Esq.

* Per Petitioner form. Should read 87-338-A.
Sign + advertising corrected.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1-17, 1991

CATONSVILLE TIMES

S. Zeke Olson
Publisher

\$61.71

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: H-002-0199
Number: 91-253

receipt

Date: 2/25/91 H910072

	QTY	PRICE
PUBLIC HEARING FEES		
OBO -POSTING SIGNS / ADVERTISING	1 X	\$111.71
TOTAL:		\$111.71

LAST NAME OF OWNER: RESNICK

04A04#0033PW11-01-90 \$111.71

Please Make Checks Payable To: Baltimore County EXT BUSINESS DAY

Cashier Validation:

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 31, 1991

Julius W. Lichter, Esquire
Lewis & Gann, P.A.
305 W. Chesapeake Avenue, Suite 113
Towson, MD 21204

RE: Item No. 191, Case No. 91-253-SPHA
Petitioner: Martin's Inc.
Petition for Special Hearing and
Zoning Variance

Dear Mr. Lichter:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Martin Resnick
Martin's Inc.
7000 Security Blvd, Suite 316

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
21st day of November, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Martin's, Inc. et ux

Petitioner's Attorney: Julius W. Lichter

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: January 28, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Martins, Inc., Item No. 191

The petitioner requests an amendment to the site plan in Zoning Case No. 87-331 and a variance to Section 413.2.F to permit a single-face business sign of 160 sq. ft. in lieu of the permitted 100 sq. ft.; and to determine that the changeable message portion of the sign is non-flashing.

The size of the proposed sign shall be restricted to 137.6 ft. as permitted in Case No. 87-338A, due to the property's proximity to I-695. This office has consistently opposed the erection of large scale signs that are to be located close to interstate highways, since these uses present a traffic safety problem.

Staff strongly opposes the petitioner's request for a changeable message sign as the proposal poses a traffic hazard as well. This office, however, would not object to changing messages provided that these revisions occur only once every 24 hours, and are made outside of peak traffic hours.

Should the petitioner's request be granted, staff recommends that the petitioner file a landscape plan with the deputy director of the Office of Planning and Zoning prior to the issuance of any permit. Said plan shall indicate that the white landscaping stones will be removed to and be replaced with a green space, planted with street trees at intervals to be determined by the Baltimore County landscape planner.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
ITEM191/ZAC1

received
1/28/91

Baltimore County Government
Department of Public Works
Bureau of Traffic Engineering

401 Bosley Avenue Suite 405
Towson, MD 21204

887-3554
Fax 887-5784

December 10, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 165, 166, 171, 173, 179, 183, 185, 190, 191, 192 and 197.

Very truly yours,
Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/lab

received
12/13/90

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

NOVEMBER 21, 1990



Dennis F. Kasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MARTIN'S, INC.

Location: #6817 DOGWOOD ROAD

Item No.: 191 Zoning Agenda: NOVEMBER 20, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl H. Kelly* Noted and Approved *Carl H. Kelly*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KER

received
11/24/90

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
NOVEMBER 15, 1990

received
11/24/90

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES
SUBJECT: ZONING ITEM #: 191
PROPERTY OWNER: Martin's, Inc.
LOCATION: SMC Dogwood Road and Belmont Avenue (#6817 Dogwood Road)
ELECTION DISTRICT: 1st
COUNCILMANIC DISTRICT: 1st

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- ☒ THIS SITE PLAN DOES NOT COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
 - () NUMBER PARKING SPACES () CURB CUTS
 - () BUILDING ACCESS () SIGNAGE
 - () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
 - () A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
 - () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
 - () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

All signs shall comply to Article 29, as amended by Council Bill #158-88. Handicapped parking, access etc shall be clearly indicated on all site plans, or be so noted.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: November 16, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for November 20, 1990

The Developers Engineering Division has reviewed the subject zoning item and has no comments for Items 165, 168, 171, 173, 174, 179, 182, 185, 190, 191, 192, 197 and 198.

Item 191 is subject to the previous County Review Group comments.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: Gwendolyn Stephens DATE: January 31, 1991
Docket Clerk

FROM: Ann M. Nastarowicz
Deputy Zoning Commissioner

SUBJECT: Petitions for Special Hearing and Zoning Variance
SW/Corner Dogwood Road and Belmont Avenue
(6817 Dogwood Road)
1st Election District - 1st Councilmanic District
Martin's Inc. - Petitioner
Case No. 91-253-SPHA

As you know, this office has received a request for postponement of the above-captioned matter from Tuesday, February 12, 1991 to Monday, February 25, 1991 at 9:30 AM. Please have the property reposted as soon as possible with the revised date and time and notify all parties accordingly.

Thank you for your attention in this matter.

AMN:hjs
cc: file

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: Gwendolyn Stephens DATE: January 31, 1991
Docket Clerk

FROM: Ann M. Nastarowicz
Deputy Zoning Commissioner

SUBJECT: Petitions for Special Hearing and Zoning Variance
SW/Corner Dogwood Road and Belmont Avenue
(6817 Dogwood Road)
1st Election District - 1st Councilmanic District
Martin's Inc. - Petitioner
Case No. 91-253-SPHA

As you know, this office has received a request for postponement of the above-captioned matter from Tuesday, February 12, 1991 to Monday, February 25, 1991 at 9:30 AM. Please have the property reposted as soon as possible with the revised date and time and notify all parties accordingly.

Thank you for your attention in this matter.

AMN:hjs
cc: File

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 31, 1991

Julius W. Lichter, Esq.
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

Re: Case Number(s): 91-253-SPHA
SMC Dogwood Road and Belmont Avenue
6817 Dogwood Road
Petitioner(s): Martin's Inc.

POSTPONEMENT OF FEBRUARY 12, 1991 HEARING DATE

Dear Mr. Lichter:

This to confirm your postponement request with regard to the above captioned matter.

The case has been rescheduled for Monday, February 25, 1991 at 9:30 a.m.

If you have any questions, please feel free to contact me.

Very truly yours,

G. G. Stephens
G. G. Stephens
(301) 887-3391

cc: Martin's, Inc.

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
301-539-3700
TELECOPIER 301-425-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
TELECOPIER 301-256-2801

ELLIS LEVIN (800-379-0000)
CARROLL COUNTY OFFICE
117 LIBERTY ROAD
STYKEVILLE, MD 21784
301-539-3700
TELECOPIER 301-425-9050

JULIUS W. LICHTER

HAND-DELIVERED

Mr. J. Robert Haines
Zoning Commissioner
111 West Chesapeake Avenue
Towson, MD 21204

RE: Martin's Inc./Sign Variance
Case No. 91-253-SPHA/Item #191

Dear Commissioner Haines:

The above referenced matter is scheduled for public hearing on Tuesday, February 12, 1991 at 10:00 a.m. Regrettably, I must ask that the matter be rescheduled. Both my client and his authorized representative will be out of town on that date and they are unable to change their longstanding plans. We believe their attendance at the hearing is essential.

I apologize for the inconvenience and will stop by your office to personally discuss this matter.

Sincerely,

Julius W. Lichter
Julius W. Lichter

JWL/dgh

cc: Mr. Martin Resnick

RECEIVED
JAN 28 1991
ZONING OFFICE

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
301-539-3700
TELECOPIER 301-425-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
TELECOPIER 301-256-2801

ELLIS LEVIN (800-379-0000)
CARROLL COUNTY OFFICE
117 LIBERTY ROAD
STYKEVILLE, MD 21784
301-539-3700
TELECOPIER 301-425-9050

JULIUS W. LICHTER

HAND-DELIVERED

Ann M. Nastarowicz, Esquire
Deputy Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Rescheduling of Martin's Inc./Sign Variance
Case #91-253-SPHA/Item #191

Dear Ms. Nastarowicz:

Pursuant to my letter dated January 24, 1991, we have requested that the above referenced hearing be rescheduled. As I discussed with you, we are willing to present this case on February 25, 1991 along with the Martin's Inc.'s parking variance (Case #91-276-A; Item #211) already scheduled for this date.

Please call me if the sign variance hearing is rescheduled to a date other than February 25th.

Sincerely,

Julius W. Lichter
Julius W. Lichter

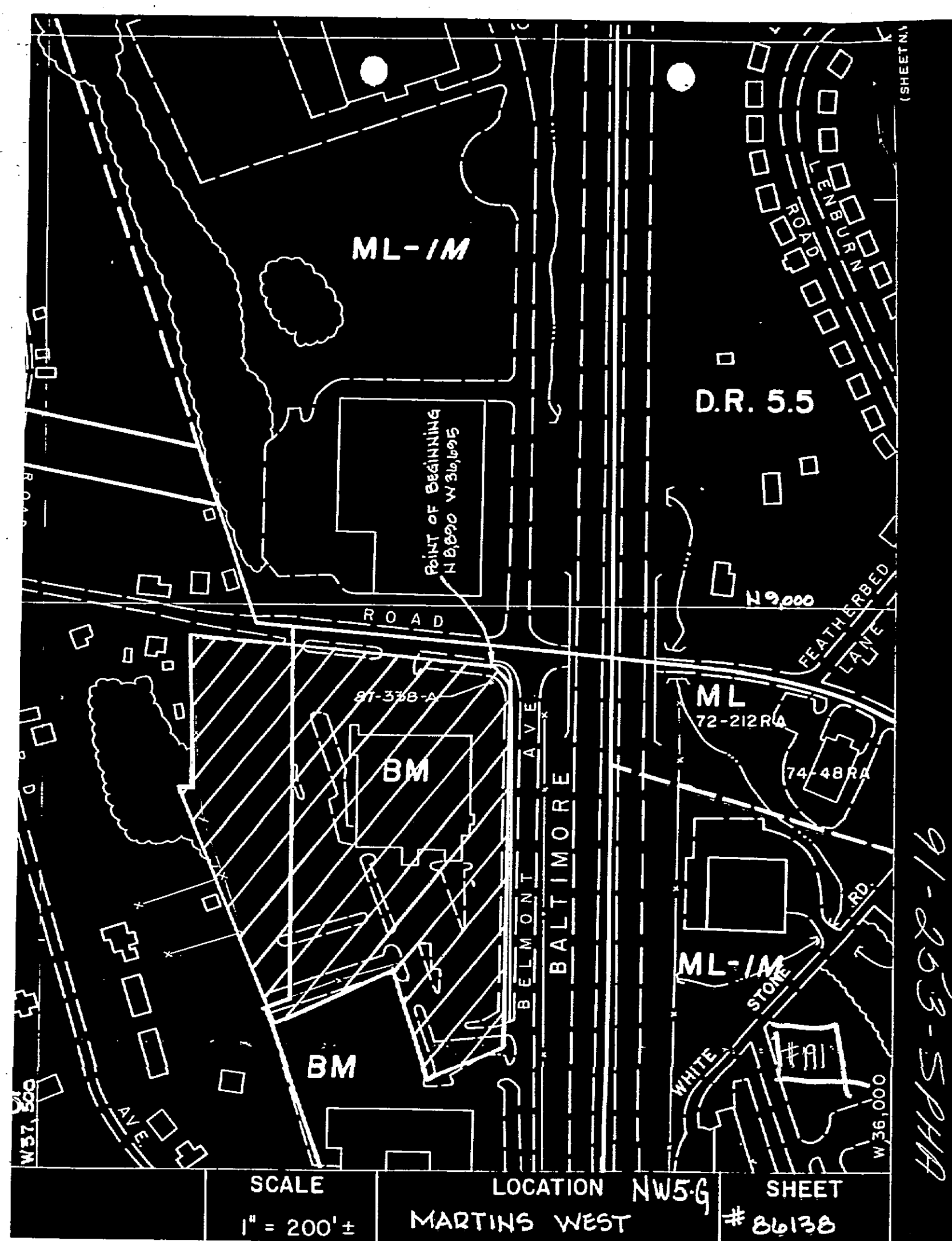
JWL/lis

cc: Mr. Martin Resnick
Mr. Preston Greene
Mr. Wes Guckert

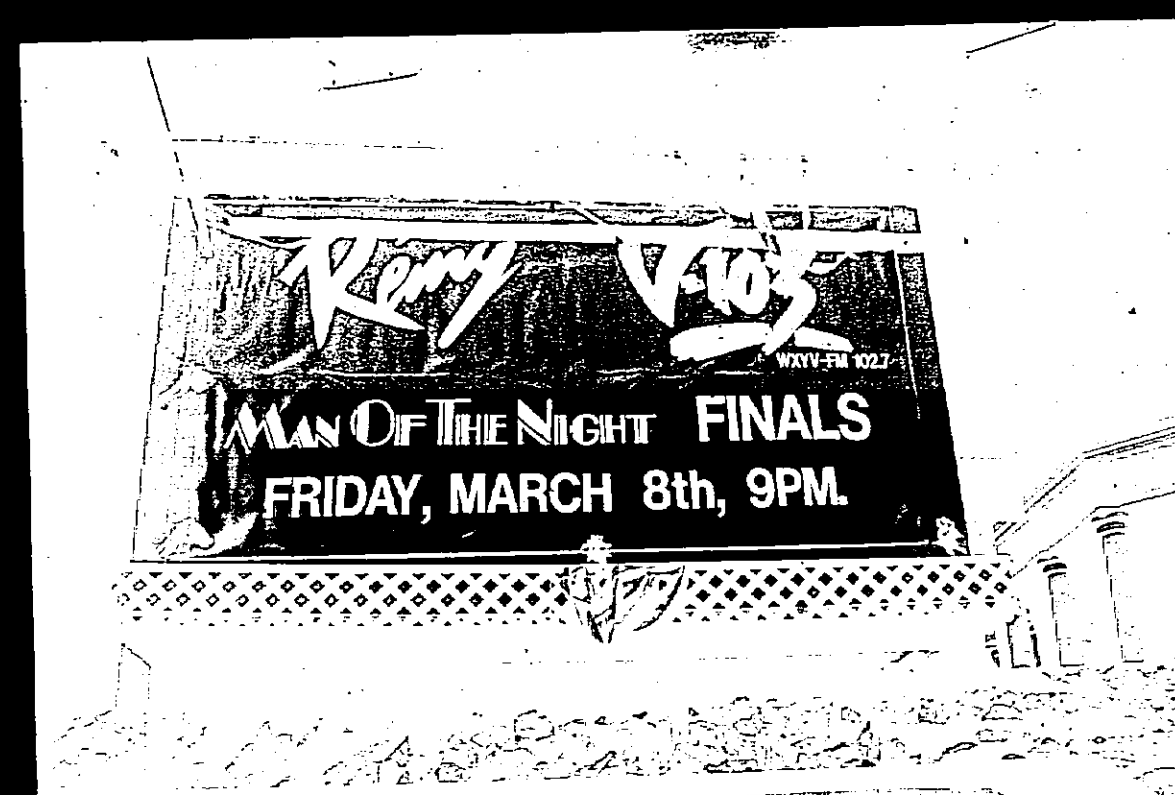
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS TOWNSHIP
WES GUCKERT 5036 40th W. CHESAPEAKE AVE 21204
Wayne Resnick 6821 Dogwood Road 21207
JOSEPH LARSON 105 W. CHESAPEAKE AVE TOWNSHIP
MARTIN RESNICK 1111 VERMONT RD/TOWNSHIP HILLS 21170
6821 Dogwood A. Road 21207 B



PETITIONER(S) EXHIBIT (2)

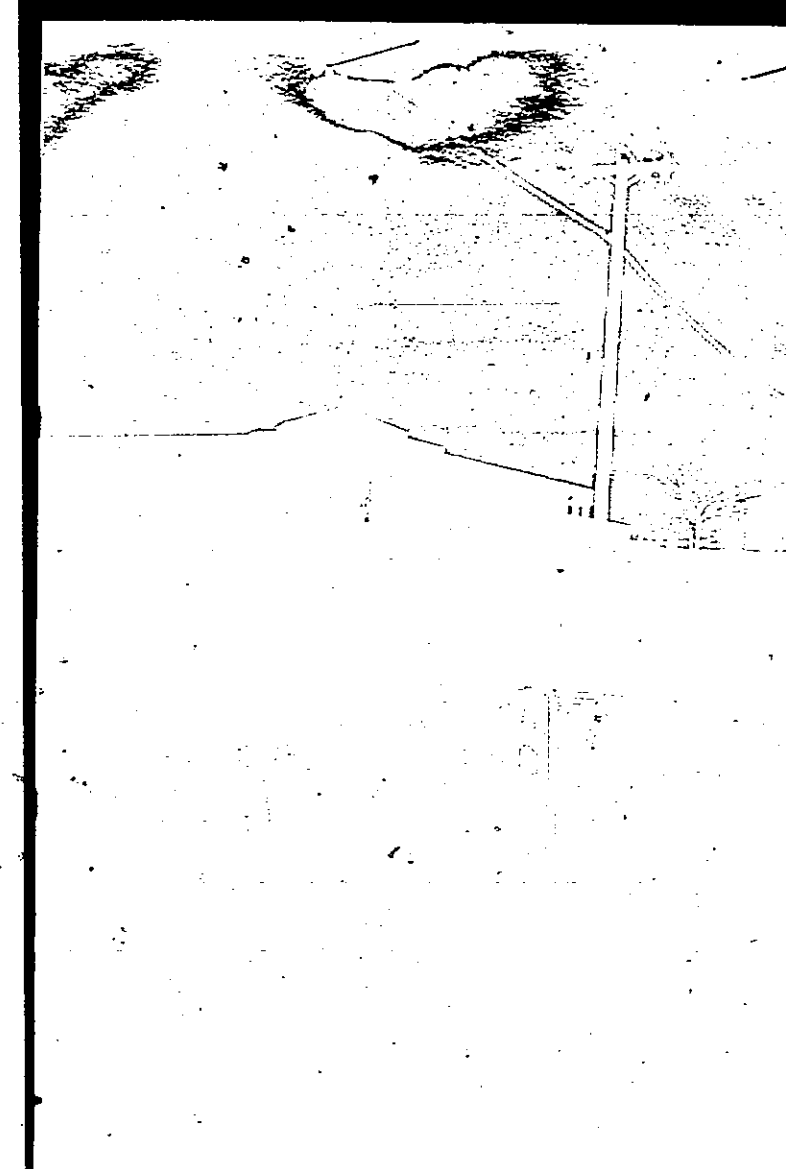


2A



2B

PETITIONER(S) EXHIBIT ()



2C

PETITIONER(S) EXHIBIT ()



2D

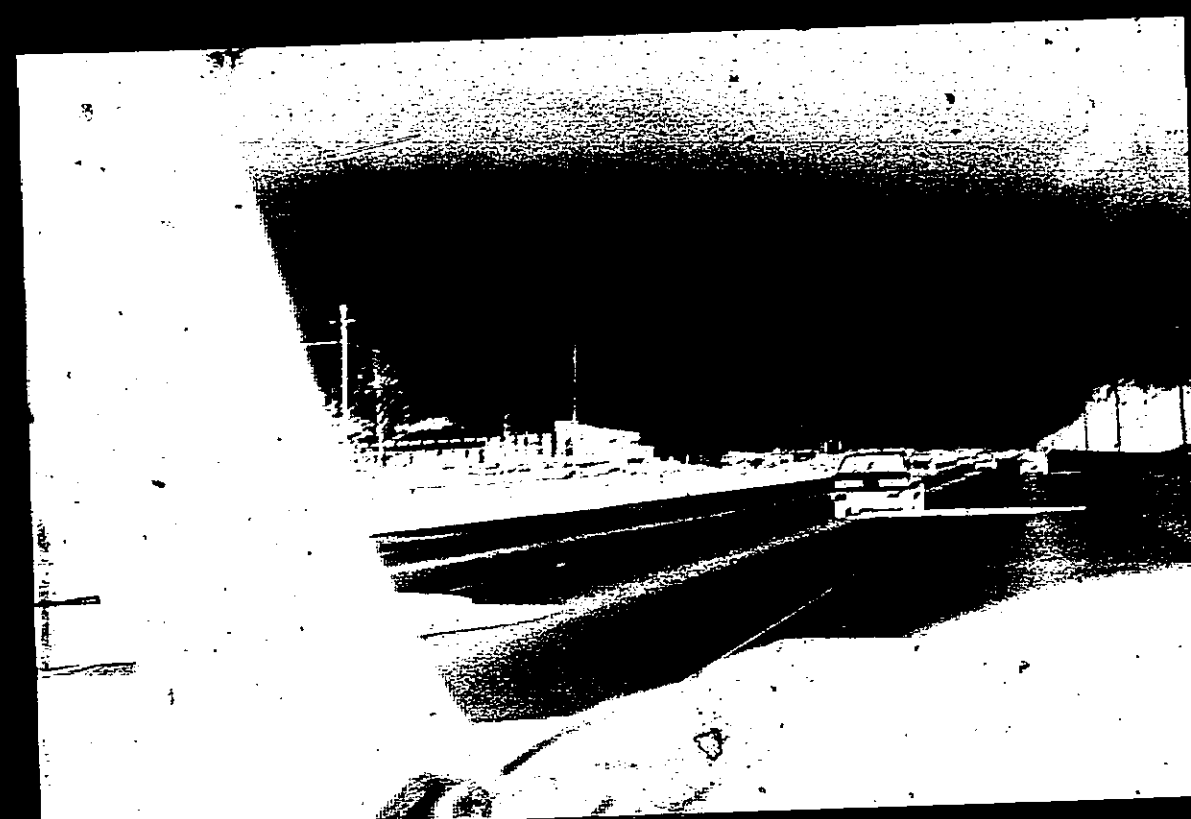


2E



2F

PETITIONER(S) EXHIBIT ()

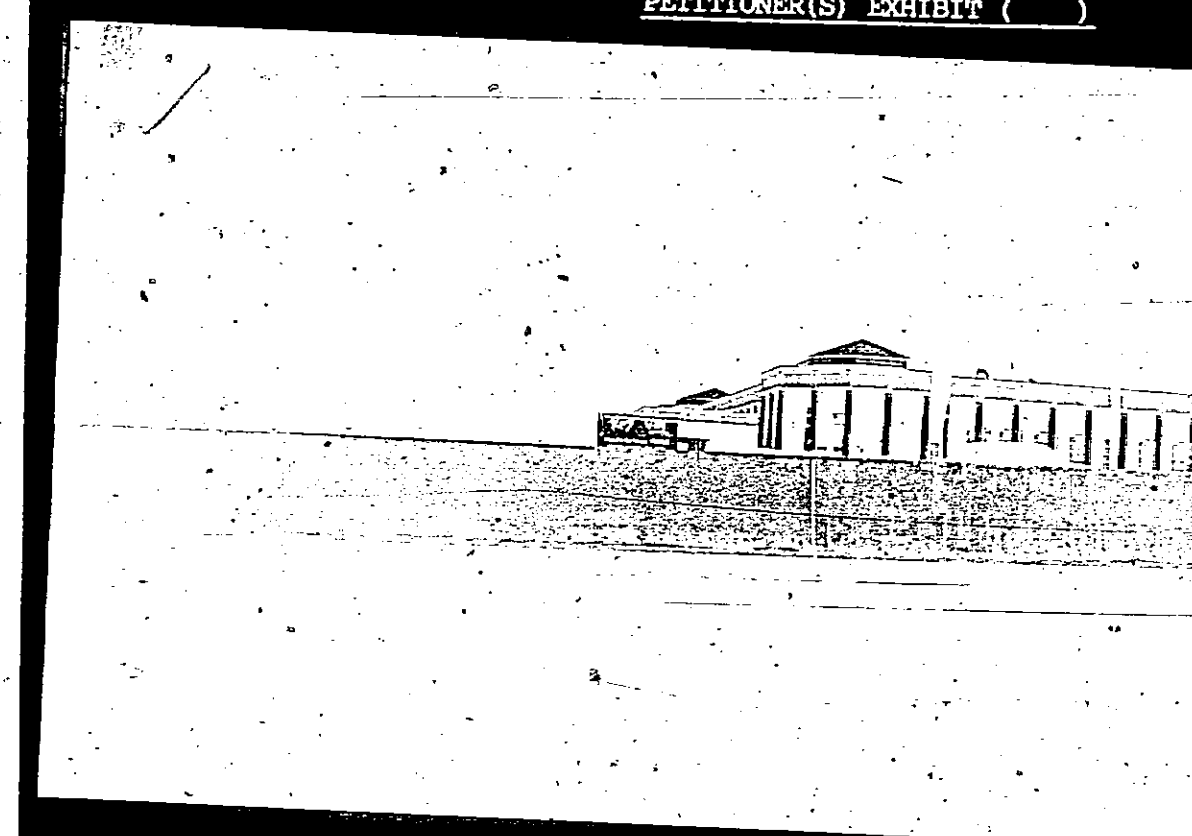


2G

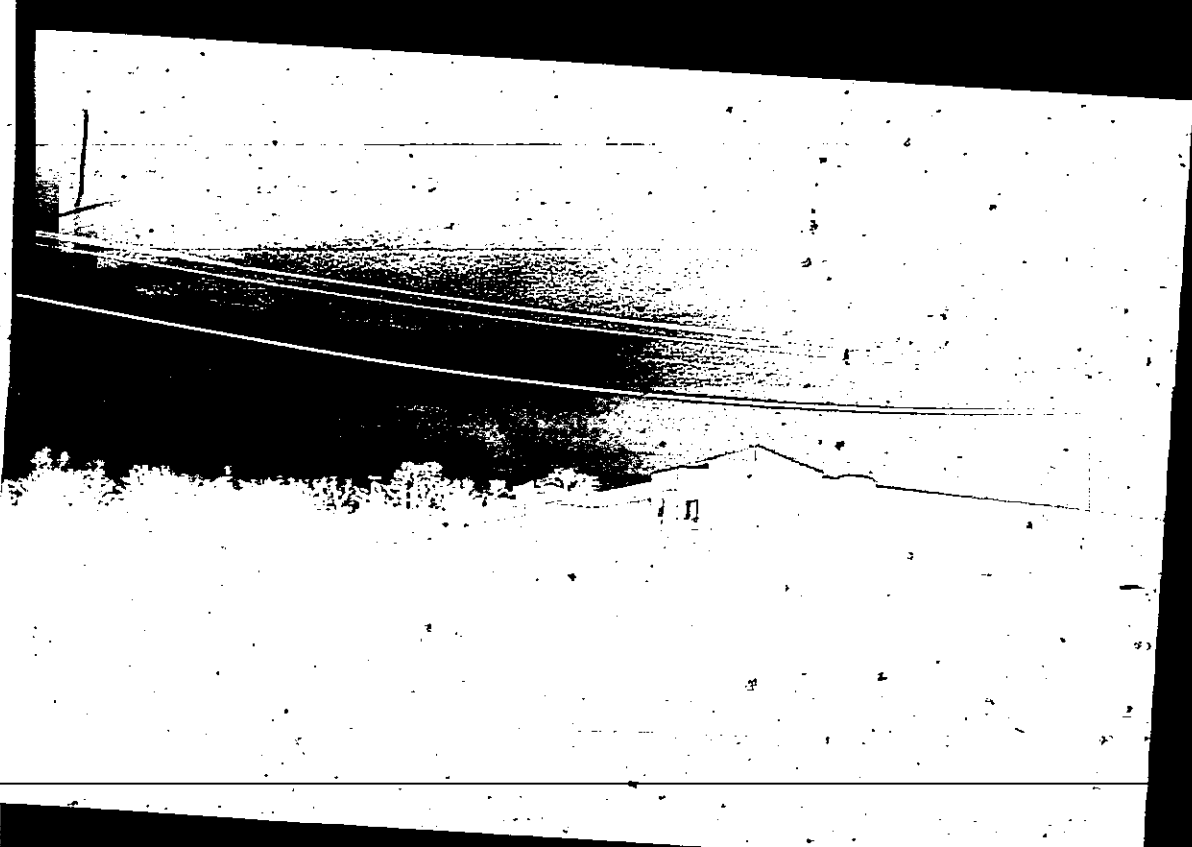


2H

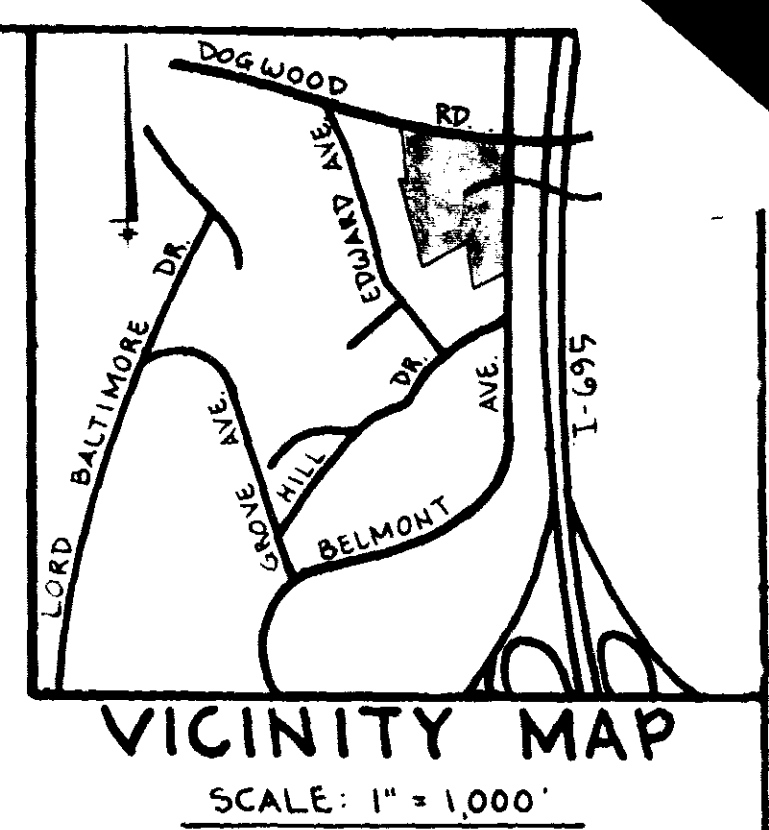
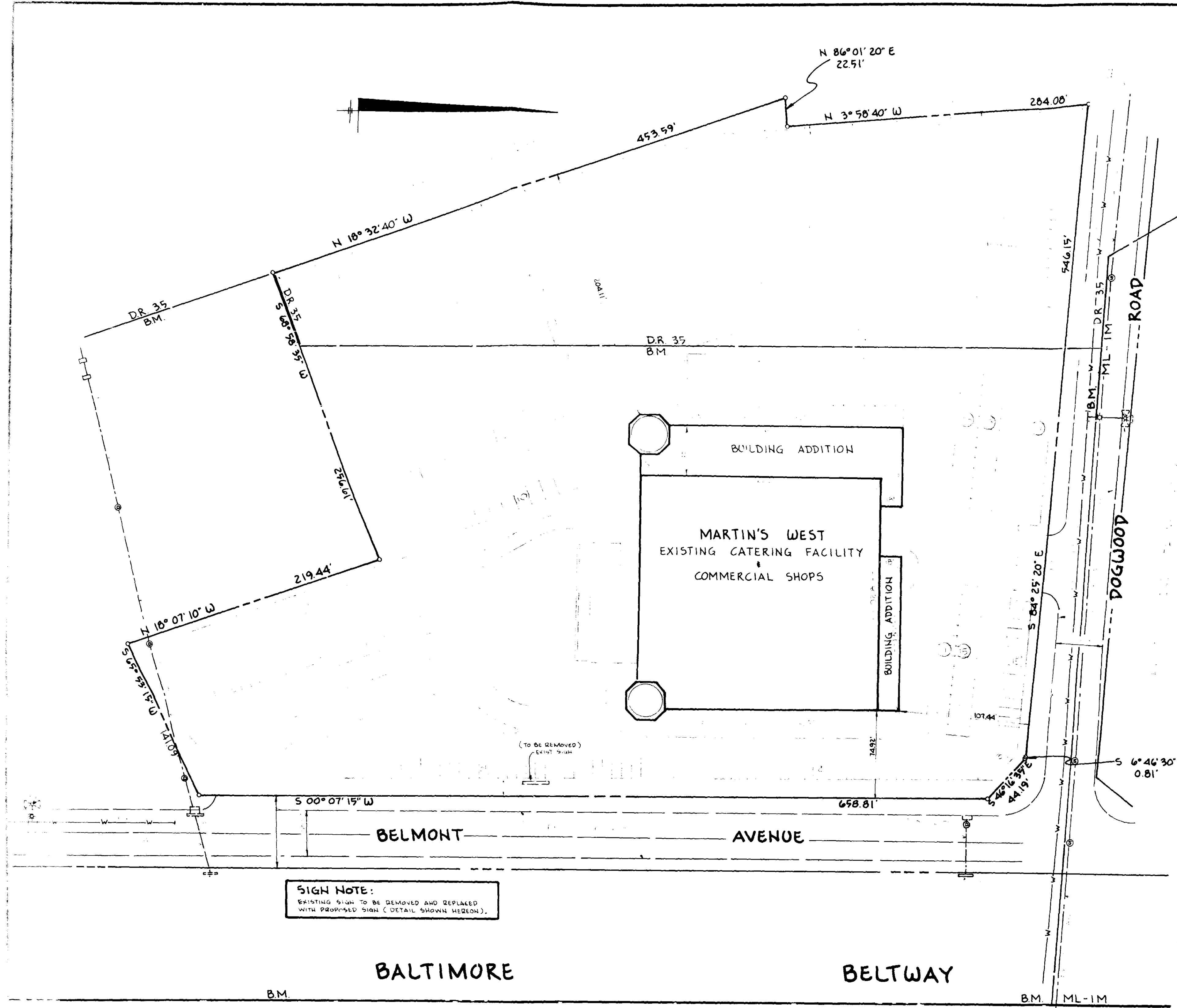
PETITIONER(S) EXHIBIT ()



2I



2J



**CASE NO. 71-167 ASDH
SECTION 409.4 NOTES**

- EXISTING & PROPOSED LIGHT STANDARDS - LIGHTS WILL BE AIMED AWAY FROM RESIDENTIAL USE PROXIMEST E.S.
- PARKING AREA - 5 PCZ PORTIONS ONLY - WILL BE OPEN ONLY DURING THOSE HOURS OF AN AFFAIR. HOURS OF OPERATION WILL GENERALLY BE: DAILY 11:30 A.M. - 2:00 P.M. & FROM 6:00 P.M. - 1:00 A.M.
- PARKING AREA WILL BE PAVED & DRAINED IN ACCORDANCE WITH THE ESTABLISHED POLICY OF BALTIMORE DEPARTMENT OF HIGHWAYS & PROPOSED LIGHT POLES ALONG WEST PROPERTY LINES ADJACENT TO RESIDENTIAL AREA TO BE 8' IN HEIGHT AND DIRECTED AWAY FROM THE RESIDENTIAL AREA. ALL OTHER LIGHT POLES TO BE AS SHOWN.
- WITH REGARD TO THE ABOVE CAPTIONED CASE NUMBERED A VARIANCE WAS GRANTED TO PERMIT A CATERING ESTABLISHMENT WITHIN 700 FEET OF A RESIDENTIAL ZONE BOUNDARY INSTEAD OF THE REQUIRED ONE HUNDRED (100) FEET. PERMISSION WAS ALSO GRANTED TO PERMIT OFF-STREET DRIVING IN A RESIDENTIAL ZONE IN ACCORDANCE WITH THE PLAT DATED AUGUST 3, 1970, REVISED OCTOBER 24, 1970, AND NOVEMBER 9, 1970.

GENERAL NOTES:

MARTIN'S WEST - ZONING HISTORY	
87-338-A Petition for Variance from MCD Section 409.2(b)(1), 409.2(b)(4) and 409.2(b)(6) to permit 610 parking spaces in lieu of the regulated 914 spaces. Granted by the zoning Commissioner on February 20, 1987.	87-00-4495 Reversal of the Board of Appeals' denial of the variance for the electronic message board by the Circuit Court for Baltimore County in <i>Bectins Inc. v. People's Counsel for Baltimore County</i> on October 4, 1988. Decision appealed.
87-338-A Petition for Variance from MCD Section 410.2(f) to permit a 3,344 square foot (872 square feet per side) two-sided sign with an electronic message board. Granted by the zoning Commissioner on February 20, 1987. Decision appealed.	8/25/88 (unreported) Affirmance of the Board of Appeals' denial of the electronic message board and grant of the 27'6" x 5' (537.4 square feet) identification sign supported by two 15' columns by the Court of Special Appeals in <i>People's Counsel for Baltimore County v. Martin's, Inc.</i> No further appeals noted.
87-338-A Appeal of zoning Commissioner's grant of sign variance to Board of Appeals. Board of Appeals granted variance to permit a 27'6" x 5' (537.4 square feet) identification sign supported by two 15' columns, but denied a proposed 8'6" x 7'6" electronic message board mounted atop the identification sign on October 14, 1987. Decision appealed.	87-00-4495 Order dated August 15, 1988 of the Circuit Court for Baltimore County affirming the Board of Appeals' October 4, 1988 decision in <i>Petition 88-1-338-A</i> pursuant to the above referenced mandate by the Court of Special Appeals.

91-253-SPHA

REVISIONS	
DATE	DESCRIPTION
SPELLMAN, LARSON & ASSOCIATES, INC. ENGINEERS AND LAND SURVEYORS SUITE 101, JEFFERSON BLDG., TOWSON, MD., 21204 PHONE 823-3535	
EXHIBIT 1 PLAT TO ACCOMPANY ZONING PETITION FOR SPECIAL HEARING TO AMEND VARIANCE #87-338-A AS TO SIGNAGE.	
MARTIN'S WEST 191 DOGWOOD RD. AND BELMONT AVE. BALTIMORE CO., MD. ELECTION DISTRICT #1	
SCALE 1" = 50'	DES. BY: DRN BY: JMB
DATE: 11-10-86	SHT. 1 OF 1